

from income or from capital assets or in any other manner by the public service commission in setting or regulating rates that may be charged by the public utilities pursuant to this chapter. This section does not apply to advertising that encourages the conservation of energy or product safety or informs the public of the availability of alternative forms of energy or recommends usage at times of lower rates or lower demand. Furthermore, for communications public utilities, the provisions of this section do not apply to advertising that relates to special equipment that is available to aid persons with disabilities or to special services that are designed to protect the public health, welfare, and safety, to promote more efficient use of a communications system, or to promote increased use of regulated communications services.

History: En. 70-121.1 by Sec. 1, Ch. 297, L. 1975; R.C.M. 1947, 70-121.1; amd. Sec. 1, Ch. 452, L. 1989; amd. Sec. 75, Ch. 472, L. 1997.

#### Cross-References

Credit for energy-conserving investments, 15-30-125.  
Credit for energy-conserving expenditures, 15-32-109.  
Credit for installing alternative energy system, Title 15, ch. 32, part 2.  
Home weatherization programs, Title 90, ch. 4, part 2.

**69-3-308. Disclosure of taxes and fees paid by customers of public utility — automatic rate adjustment and tracking for taxes and fees.** (1) A public utility may separately disclose in a customer's bill the amount of state and local taxes and fees assessed against the public utility that the customer is paying.

(2) (a) (i) The commission shall allow a public utility to file rate schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and fees, except state income tax, paid by the public utility. The resulting rate schedule changes must include:

(A) adjustments for the net change in federal and state income tax liability caused by the deductibility of state and local taxes and fees;

(B) retroactive tax adjustments; and

(C) adjustments related to the resolution of property taxes paid under protest.

(ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases and decreases.

(b) The amended rates must automatically go into effect on January 1 following the date of change in taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c).

(c) The amended rate schedule must be filed with the commission on or before the effective date of the change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public utility to address any errors or omissions including, if necessary, any refunds due customers.

(d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval on the part of the commission.

(e) A public utility may challenge an order issued by the commission under subsection (2)(c) in accordance with the provisions of 69-3-401 through 69-3-405.

History: En. Sec. 1, Ch. 570, L. 2003.

**69-3-309 reserved.**

**69-3-310. Rulemaking authority.** The commission may adopt rules to implement this part.

History: En. Sec. 8, Ch. 210, L. 1991.

**69-3-311 through 69-3-320 reserved.**

**69-3-321. Complaints against public utility — hearing.** (1) The commission shall proceed, with or without notice, to make such investigation as it may deem necessary upon a complaint made against any public utility by any mercantile, agricultural, or manufacturing society or club; by any body politic or municipal organization or association, the same being interested; or by any person, firm, or corporation, provided such person, firm, or corporation is directly affected thereby, that: